
Planning Matters - 27 February 2018

ITEM 5.1 89-95 Karne Street North, Narwee - Planning Proposal

AUTHOR Planning

PURPOSE AND BACKGROUND

Council has received an applicant initiated planning proposal from Sim Plan Consulting Town Planners to amend Canterbury Local Environmental Plan 2012 to allow future shop top housing at the properties 89-91, 93, 93A and 95 Karne Street North in Narwee.

Council's Independent Hearing and Assessment Panel (IHAP) considered a detailed report on the proposal at its 9 October 2017 meeting where it supported the proposal being submitted to the Greater Sydney Commission, subject to conditions.

ISSUE

To consider the application to amend Canterbury Local Environmental Plan 2012 for the properties at 89-91, 93, 93A and 95 Karne Street North in Narwee to allow shop top housing on the site.

RECOMMENDATION That -

1. Council prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination that will:
 - a. Rezone the properties at 89-91, 93, 93A and 95 Karne Street North in Narwee from R3 Medium Density Residential zone to B1 Neighborhood Centre zone.
 - b. Apply a maximum 10m height of buildings control.
 - c. Apply an appropriate FSR on the site (to be determined prior to public exhibition)
 - d. Amend the Lot Size Map by removing the properties from the map as it does not apply to B1 Neighbourhood Centre zone.
2. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal, and the matter be reported to Council following the exhibition.
3. Council seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under Section 59 of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

[Click here for attachments](#)

- A. IHAP Meeting – 9 October 2017 – Report
- B. IHAP Meeting – 9 October 2017 – Minutes
- C. Don Fox Planning independent review of council assessment
- D. Proponent Planning Proposal submission

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

This matter has no financial implications.

COMMUNITY IMPACT

If Council resolves to support this planning proposal and to seek a Gateway certificate, should a positive Gateway Determination be received, community consultation will be undertaken to ascertain any views/comments from the community in accordance with any Gateway conditions prior to the matter being reported back to Council for a final decision.

DETAILED INFORMATION

Background

Council is in receipt of an application requesting the following amendment to the Canterbury Local Environmental Plan 2012:

1. Rezone the subject site from R3 Medium Density Residential zone to B1 Neighborhood Centre zone.
2. Amend the Maximum Height of Building Map from 8.5m to 10m.
3. Amend the Floor Space Ratio Map from 0.5:1 to no FSR.
4. Amend the Lot Size Map by removing the properties from the map as it does not apply to B1 Neighbourhood Centre zone.

A copy of the applicant's planning proposal and supporting documents are available at Attachment D.

The Independent Hearing and Assessment Panel (IHAP) considered the proposal at its meeting 9 October 2017 and supports Council staff's recommendation that the proposal be submitted to the Greater Sydney Commission for a Gateway Determination, subject to:

1. Council determining an appropriate FSR for the site, prior to public exhibition.
2. The requirements of SEPP 55 to be addressed by the proponent, prior to public exhibition.
3. The requirements of overland flooding to be addressed by the proponent, prior to public exhibition.

In relation to item 1 an appropriate FSR will be determined for the site prior to public exhibition. The FSR on this site has yet to be determined and Council will engage an independent design firm to carry out an urban design analysis to determine an appropriate FSR.

In relation to items 2 and 3 the proponent has submitted additional information and has adequately addressed SEPP 55 and overland flooding. This information forms an addendum to the planning proposal (Attachment D).

An independent review of Council's assessment of the planning proposal was undertaken by Don Fox Planning (DFP) as part of the site is owned by Mr Charles Fondacaro (Plant Operator – Public Works at Canterbury Bankstown Council). Mr Fondacaro has had no role in the assessment of the planning proposal and has signed a declaration which accompanied the planning proposal. No further contact or communication has occurred between Mr Fondacaro and the assessment team. The independent review by DFP supports Council's assessment of the planning proposal. The review found there were no probity issues.

Description of the site and local context

Site Details

The site is situated within the eastern side of Karne Street North opposite Leigh Avenue at its intersection with Shorter Avenue (refer to maps over page). It has a total combined area of 701m². 89-91 Karne Street North is a corner lot with frontage to Karne Street North and a secondary frontage to Shorter Avenue. 93, 93A and 95 Karne Street North have a direct frontage to Karne Street North of 18.3m. The site comprises four allotments in two different ownerships. Existing land uses are detailed below.

Table 1: Site details

Property Address	Property Description	Existing Use	Site Area
89-91 Karne Street North	Lot 1 DP 815357	Single storey "Roselands" Chinese restaurant	342m ²
93 Karne Street North	Lot 4 DP 29784	Single storey spa/beauty/hair salon (use is over three lots)	109m ²
93A Karne Street North	Lot 5 DP 29784		105m ²
95 Karne Street North	Lot 6 DP 29784		107m ²

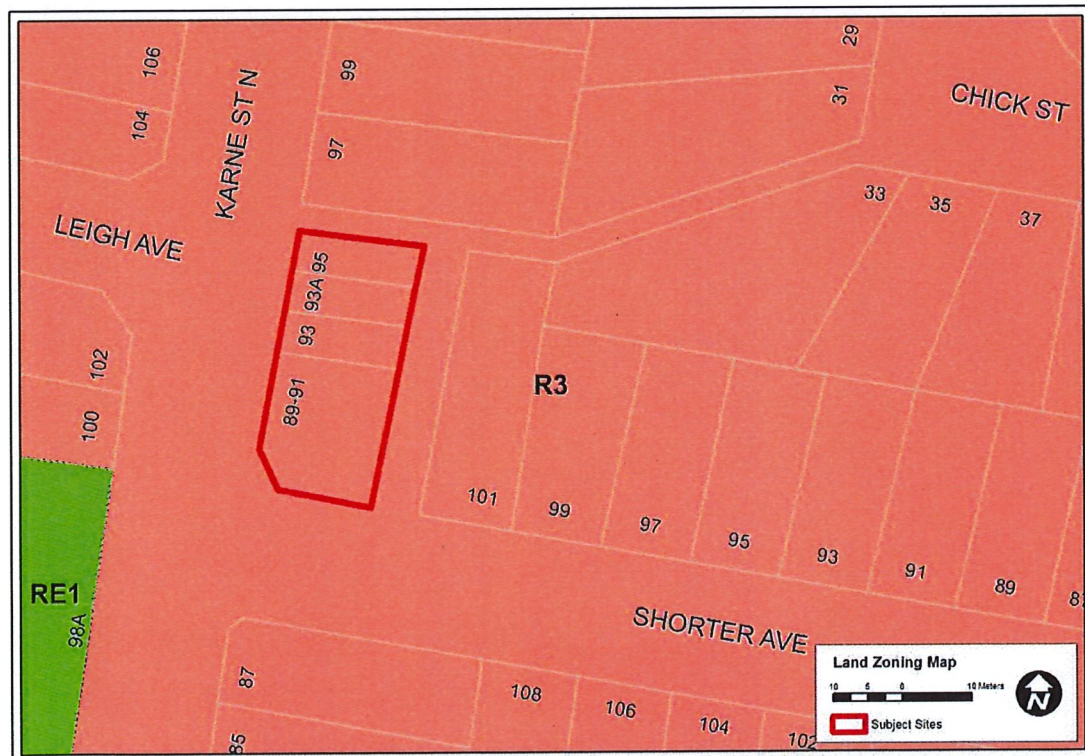
The sites are accessible to pedestrians and vehicles from Karne Street North and via Shorter Avenue. Rear service lane access is from Shorter Lane which intersects with Shorter Avenue. A public footpath to the north of the properties connects Karne Street North with Chick Street to the north-east. Off street car parking spaces are accessed via the laneway at the rear of the site and are provided in a 90 degree configuration to the rear of these premises.

Surrounding development comprises one and two storey dwellings. Bennet Park is located to the south west and provides recreational sporting facilities. Roselands shopping centre is located approximately 1.3km north of the subject site.

The site is serviced by a number of local bus networks within 400m walking distance. The site is situated approximately 1.3km (walking distance by foot/road) from Narwee Railway Station and the Narwee town centre.



Map 1: Location (subject site shown edged in red)



Map 2: Zoning Map (subject site shown edged in red)

Description of proposal

The following amendments to Canterbury Local Environmental Plan 2012 are proposed in relation to the site at 89-95 Karne St North, Narwee:

Planning controls	Existing	Proposed
Zone	R3	B1
FSR	0.5:1	To be determined by Council
Height	8.5m	10m

Concept plans provided by the proponent include a three level built form with shops at ground floor and residences above (see image 1). It should be noted that the site could potentially accommodate a three storey flat roof built form within the proposed 10m height limit, however, this is subject to detailed urban design analysis.

Concept plans for site



Image 1: diagram showing concept street elevation along Karne Street (page 50)

Justification

The planning proposal is applicant initiated and has been justified on planning merit and meets the Department of Planning's site strategic merit test.

The proposal seeks to formalise an existing zoning/land use anomaly and to enable the redevelopment of the site. The proposed B1 zone is considered to better align with the existing use on the site (shops) and the proposed development is considered to be compatible to the surrounding residential neighbourhood, in terms of scale and intensity of non-residential use. The existing level of retail would not be able to be maintained in the current zone, should the site be redeveloped as the R3 Medium Density Residential Zone as this zoning does not allow shop top housing and only allows a maximum of 100m² of gross floor area for commercial purposes if a combined residential/commercial building was proposed.

Rezoning the site to R4 High Density Residential Zone is also subject to the same commercial floor space restrictions as the current zone, and would introduce a spot zoning into an otherwise medium density residential area. This could lead to further planning proposal requests based on the precedent it would establish in the area.

The B2 Local Centre Zone is the other possibility, however this zoning is usually applied to larger local centres that consolidate retail and other non-residential uses within a higher activity precinct. The B2 zone allows a much wider range of non-residential land uses than the B1 Neighbourhood Centre Zone, which would not be appropriate in the low-scale context of this part of Narwee and Roselands.

The proposed increase in maximum building height is considered compatible with the surrounding area. Amenity impacts would be ameliorated by the separation of the site from its immediate neighbours by a rear lane, subject to further urban design analysis.

A small-scale intensification of the site is justified in that the site acts as a neighbourhood centre, as:

- The site already functions as a strip of neighbourhood shops, albeit with low intensity uses (hairdresser/day spa and a Chinese restaurant/takeaway). It also features a bus stop and a post box. Redevelopment would potentially increase the range of tenancies that would better align with daily needs (e.g. Mixed Business, café, etc.).
- There are limited options for daily needs to be met elsewhere within a five-minute walking distance (400m radius), with the shop on the corner of Karne Street North and Martin Street, the only other option (currently occupied by a jeweller).
- The site has the benefit of proximity to Bennett Park (diagonally across Karne Street North) giving future residents a degree of amenity and ease of access to recreational facilities.

Independent Hearing and Assessment Panel (IHAP)

The Independent Hearing and Assessment Panel (IHAP) considered Council's report on 9 October 2017.

Council's report to the IHAP included the following recommendations:

The application to amend Canterbury Local Environmental Plan 2012 for land at 89-91, 93, 93A and 95 Karne Street North, Narwee should proceed to Gateway subject to:

1. *Council determining an appropriate FSR for the site, prior to public exhibition.*
2. *The requirements of SEPP 55 to be addressed by the proponent, prior to public exhibition.*
3. *The requirements of overland flooding to be addressed by the proponent, prior to public exhibition.*

IHAP Recommendation

The Panel agreed with the Council Staff report subject to the recommendation being amended as follows: Add point 4 to read as follows:

"4. The height limit be restricted to 10 metres."

The recommendation has been updated to include the above condition. The Council report to the Independent Hearing and Assessment Panel and the minutes regarding the matter are shown in Attachments A and B.

Independent review

Don Fox Planning (DFP) was engaged to undertake an independent review of Council's assessment of the planning proposal for probity, as part of the site is owned by a Council employee. A copy of the review is shown in Attachment C.

Key points of DFP's review include:

- *The assessment of the planning proposal is appropriate in terms of depth and analysis relative to size/complexity of the proposal.*
- *The proposed rezoning, as assessed by Council, generally addresses the requirements of a Planning Proposal pursuant to the Department's Guide to Preparing a Planning Proposal;*
- *The inclusion of a FSR control is supported on the basis that it will be determined by an urban design analysis by a suitably qualified and experienced consultant to be appointed by Council.*

NEXT STEPS

Should Council support the proposal, the next step is to submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination. The planning proposal will request the following amendments to Canterbury LEP 2012 for the site at 89-91, 93, 93A and 95 Karne Street North in Narwee:

- Rezoning the subject site from R3 Medium Density Residential zone to B1 Neighbourhood Centre zone.
- Amend the maximum height of building from 8.5m to 10m.
- Amend the Floor Space Ratio from 0.5 to an FSR to be determined by Council.
- Amend the Lot Size Map by removing the properties from the map as it does not apply to B1 Neighbourhood Centre zone.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 FEBRUARY 2018

ITEM 4.5

SYDENHAM TO BANKSTOWN COMMUNITY WORKING GROUP

CLRS SALEH, EY-HAHEK AND HUDA RETURNED TO THE CHAMBER AT 6.17 PM.

(106)

CLR. ASFOUR

RESOLVED that Council establish a Sydenham to Bankstown Community Working Group for a period of six months which will include invited representatives of community organisations to assist councillors in making representations to the NSW Government in relation to the corridor.

- CARRIED

SECTION 5:

PLANNING MATTERS

ITEM 5.1

89-95 KARNE STREET NORTH, NARWEE - PLANNING PROPOSAL

(107)

CLR. DOWNEY:/CLR. ZAKHIA

RESOLVED that-

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- CARRIED